

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Energy Department – APERC – Framing of A.P. Electricity Regulatory Commission Fund Rules, 2014 in terms of section -103 of Electricity Act, 2003 (Central Act No.36 of 2003) – Notification - Issued.

ENERGY (POWER-III) DEPARTMENT

G.O.Ms.No.19

Dated:08-05-2014.

Read the following:-

1. From the Director (Administration), APERC, Lr.No.APERC/DD/P&A/A-308/2013, Dt. 05-12-2013 & Dt.17.01.2014.
2. Govt Memo No.4510/131/A1/BG.I/2014, Finance (BG.I) Department, Dt.06.03.2014.

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ORDER:-

The following Notification will be published in an Extra-ordinary issue of the A.P. Gazette, Dated:09-05-2014.

NOTIFICATION

In exercise of the powers conferred under sub section (3) of Section 103 read with clause (g) of sub section (2) of section 180 of Electricity Act, 2003, (Central Act No.36 of 2003) and all other powers enabling in this behalf, Government of Andhra Pradesh hereby make the following rules, relating to preserve the manner of applying the Andhra Pradesh Electricity Regulatory Commission Fund, namely:-

RULES

Part – I

1. Short title and commencement:- (1) These rules may be called the Andhra Pradesh Electricity Regulatory Commission Fund Rules, 2014.
2. They shall come into force from the date of their publication in the Andhra Pradesh Gazette.
- 2. Definitions:-** (1) In these rules, unless the context otherwise requires:-
 - (i) "Act" means the Electricity Act, 2003, (Central Act No.36 of 2003);
 - (ii) "Bank" means any nationalized bank as designated for the purpose of maintaining the fund from time to time by the Commission;
 - (iii) "Chairperson" means the Chairperson of the Andhra Pradesh Electricity Regulatory Commission;
 - (iv) "Commission" means the Andhra Pradesh Electricity Regulatory Commission;
 - (v) "Drawing and Disbursing Officer (DDO)" means an officer who is under the control of the Commission entrusted with the responsibility of drawing and disbursing of funds;
 - (vi) "Fund" means the ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION FUND to be maintained by the Commission as per the provisions of these rules;
 - (vii) "Government" means the Government of ANDHRA PRADESH;
 - (viii) "Member" means a Member of the Commission.
 - (ix) "State Act" means the Andhra Pradesh Electricity Reform Act, 1998 (Act No.30 of 1998).
- (2) Words and expressions used but not defined herein shall have the meaning assigned to them in the Electricity Act, 2003 and State Act to the extent it is not inconsistent with the provisions of the Electricity Act 2003;

Contd..2.

Part – II

3. Creation of Fund

- 1) There shall be a fund for meeting the expenses of the Commission as specified under sub-section (2) of section 103 of the Act;
- 2) The Commission shall maintain the Fund with any Nationalized bank as the main account at the Headquarters of the commission and with subsidiary accounts at such other branches of the said bank as the Commission considers appropriate.
- 3) If the amount is received by the Commission by cash, cheques or drafts, as the case may be, the same shall be deposited by the Commission in the Fund forthwith.

4. Contribution to the Fund

All revenues of the Commission including the grants and loans by the Government under section 102 of the Act; the fees and other sums received by the Commission under sub-section (1) of section 103 of the Act shall be deposited or remitted to the Fund.

5. Area of Applicability

- (a) Any amount credited to the Fund shall not be utilized for any purpose other than the purpose specified in rule 7 of these Rules;
- (b) The Commission shall meet any expenses of the Commission only by drawl of the amount from the Fund and not otherwise.

6. Operation of the Fund

- (a) The Fund shall be operated by the DDO, to be designated by an order of the Chairperson from time to time. The DDO so designated shall be the authorised signatory of the bank accounts in which the Fund is maintained;
- (b) Withdrawal from the Fund shall be only against proper authorization and after sanction from the appropriate authority.

7. Application of the Fund

7.1 The Fund shall be applied for meeting;

- (a) The Salary, allowances and other remuneration of Chairperson, Members, Secretary, Officers and other Employees of the Commission including pension and other terminal benefits as provided in clause (a) of sub-section (2) of section 103 of the Act;
- (b) The expenses of the Commission for discharge of its functions under section 86 of the Act;
- (c) The expenses on objects and for purposes authorised by the Act.

8. Budget

The Commission shall prepare in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Commission and forward the same to the State Government.

9. Investment of Surplus Funds

- (a) The Drawing and Disbursing Officer shall invest funds available in the Fund from time to time in gainful short term or long term deposits in any nationalized bank or financial institutions promoted by the Government of India or the Government of Andhra Pradesh, in order to ensure suitable returns on surplus funds. The incidental charges like brokerage, commission, etc., shall be accounted for as a charge on the Fund;
- (b) The income earned on the investment of moneys from time to time shall form receipt of the Fund;

- (c) At the end of the financial year the balance lying unspent in the bank account relating to unutilized grants received from the State Government shall be refunded / remitted back to the Government account;
- (d) For the grants, received from Government by the Commission and utilized, the Commission shall furnish utilization certificate thereof to the Government.

Part – III

10. Accounts & Audit of the Commission

- (a) The accounts of the Fund shall be maintained by the Commission as per the provisions of section 104 of the Act and Rules framed thereunder;
- (b) The accounts of the Commission shall be audited as per the provisions of section 104 of the Act.

11. Interpretation

These rules shall be read and construed in all respects subject to the provisions of the Act and the State Act in so far the same is not inconsistent with the provisions of the Electricity Act, 2003. Rules made under the Act, shall prevail over the rules and Regulations made under the State Act, in so far as the later is not inconsistent with the former.

12. Issue of Orders and Practice Directions

Subject to the provisions of the Act and these rules, the State Government may from time to time issue orders and practice directions in regard to the implementation of these Rules and procedure to be followed on various matters, which the State Government has been empowered by these Rules or by the provisions of the Act to direct and also matters incidental or ancillary thereto.

13. Power to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these rules, the State Government may by a general or special order direct the Commission to make such provisions not inconsistent with the provisions of the Act, as appear to the State Government to be necessary or expedient for the purposes of removing difficulties.

14. Closure of the Fund

- a) The Fund shall remain operation as long as the relevant provisions of the Act remain in force;
- b) At the time of closure of the Fund when the Fund is no longer required, all the unspent balance under the Fund shall be remitted into the Government Treasury.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. SHAILENDRA KUMAR JOSHI
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
The Commissioner, Printing and Stationary, Hyderabad,
For publication of notification and supply 200 copies.
The Director(Admn), APERC, Hyderabad.
The Director of Treasuries and Accountants, A.P., Hyderabad.
The Principal Accountant General (A&E), A.P., Hyderabad.
The Finance (BG.I) Department.
The Finance (Expr.Energy) Department.
SF/SC[C.No.4956/Pr.III(1)/2013]

//Forwarded:: By Order//

SECTION OFFICER